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I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to MAIL STOP PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

5-4-06
Date

Joanne Bourguignon
Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Mark E. Phillips et al.
Application No. : 09/975,749
Filed : October 10, 2001
For : SYSTEM AND METHOD FOR DATA TRANSFER
OPTIMIZATION IN A PORTABLE AUDIO DEVICE

Examiner : Daniel R. Sellers
Art Unit : 2681
Docket No. : 35053.007 (new)
Date : May 4, 2006

05/10/2006 TBESHAH1 00000009 09975749

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COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

Sir:

Please revive the above-identified application, which was unintentionally abandoned for failure to respond to the Office Action dated April 26, 2005. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition to 37 CFR 1.137(b)(3) was unintentional.

Enclosed is our check in the amount of \$750.

At anytime during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 50-2976 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account No. 50-2976 under 37 CFR

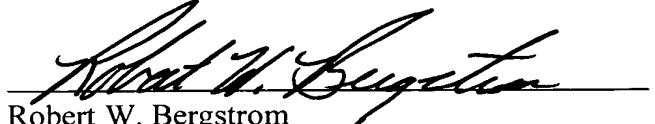
1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. This notice is being submitted in duplicate.

Favorable consideration of the petition is earnestly solicited.

Respectfully submitted,

Mark E. Phillips et al.

OLYMPIC PATENT WORKS PLLC

A handwritten signature in cursive script, appearing to read "Robert W. Bergstrom", is written over a horizontal line.

Robert W. Bergstrom

Registration No. 39,906

Enclosures:

Postcard
Check
Copy of Petition
Amendment/Response
Revocation and Substitute Power of Attorney
Change of Address/Docket No.
Assignment Recordation

Olympic Patent Works ^{PLLC}
P.O. Box 4277
Seattle, WA 98194-0277
206.621.1933 telephone
206.621.5302 fax